

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FILED-CLERK
U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

MANGOSOFT INTELLECTUAL
PROPERTY, INC.,

Plaintiff,

v.

SKYPE TECHNOLOGIES SA,
SKYPE SOFTWARE SARL and
EBAY INC ,

Defendants.

BY _____

Civil Action No. 2 - 0 6 C V - 3 9 0
TJW

JURY

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, Mangosoft Intellectual Property, Inc. ("Mangosoft" or "plaintiff"), as and for Plaintiff's Original Complaint against defendants, Skype Technologies SA, Skype Software Sarl (together "Skype") and eBay, Inc. ("eBay") (collectively "defendants"), alleges as follows:

JURISDICTION AND VENUE

1. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), (c) and (d) and §1400(b).

PARTIES

3. Plaintiff Mangosoft Intellectual Property, Inc. is a Delaware corporation having a principal place of business at 156 Fifth Avenue, Suite 901, in New York, New York. Mangosoft Intellectual Property, Inc. is a wholly-owned subsidiary of Mangosoft Corporation. Mangosoft

Intellectual Property, Inc. is a successor in interest to certain intellectual property developed at Mangosoft Corporation, a developer of internet-enabling business software solutions.

4. Upon information and belief, defendant Skype Technologies SA is a Luxembourg company having a regular and established place of business at 15, rue Notre Dame L-2240, Luxembourg, and is doing business and committing acts of patent infringement in this judicial district and elsewhere.

5. Upon information and belief, defendant Skype Software Sarl is a Luxembourg company having a regular and established place of business at 15, rue Notre Dame L-2240, Luxembourg, and is doing business and committing acts of patent infringement in this judicial district and elsewhere.

6. Upon information and belief, defendant eBay Inc. is a Delaware corporation having a regular and established place of business at 2145 Hamilton Avenue, San Jose, California, and is doing business and committing acts of patent infringement in this judicial district and elsewhere.

COUNT I

(Infringement of U.S. Patent No. 6,647,393)

7. The allegations of paragraphs 1 – 6 above are incorporated herein by reference.

8. This claim is made under the provisions of the patent laws of the United States, 35 U.S.C. § 271 et seq.

9. Mangosoft Intellectual Property, Inc., is the owner of U.S. Patent No. 6,647,393 (“the ‘393 patent”) that was duly and legally issued on November 11, 2003, and is entitled “Dynamic Directory Service.”

10. In violation of one or more provisions of 35 U.S.C. § 271, defendants have infringed, and continue to infringe one or more of the claims of the '393 patent by making, using, selling and/or offering for sale, *inter alia*, software, including Skype Software in this judicial district and elsewhere.

11. Defendants' acts of infringement are willful.

12. Defendants' acts of infringement have caused reparable and irreparable damage to Mangosoft and Mangosoft will continue to suffer damage unless defendants are enjoined.

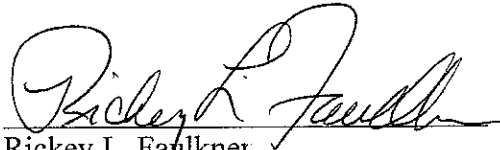
WHEREFORE, plaintiff prays that the Court:

- A. Enter judgment that defendants have infringed U.S. Patent No. 6,647,393;
- B. Enter judgment that defendants' acts of patent infringement are willful;
- C. Temporarily, preliminarily and permanently enjoin defendants, their parents, subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners, representatives, and all parties in active concert and/or participation with it, from engaging in the aforesaid unlawful acts of infringement;
- D. Order defendants to account for and pay to plaintiff all damages caused to plaintiff by defendants' unlawful acts;
- E. Award plaintiff increased damages and attorney fees pursuant to 35 U.S.C. §§ 284 and 285;
- F. Award plaintiff its interest and costs incurred in this action; and
- G. Grant plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial of all issues triable of right by jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rickey L. Faulkner". The signature is fluid and cursive, with the first name "Rickey" and last name "Faulkner" clearly distinguishable.

Rickey L. Faulkner

SBN 06857095

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PLAINTIFF'S COUNSEL

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